

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

HENRY B. SARGENT,  
FREDERICK M. MINTZ,  
ALAN P. FRAADE,  
JOSEPH J. TOMASEK, and  
PATRICK GIORDANO,

Defendants.

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Civil Action No. 1:19-cv-11416-WGY

**DEFENDANT HENRY B. SARGENT'S  
MOTION TO COMPEL DEFENDANT PATRICK GIORDANO  
TO RESPOND TO INTERROGATORIES AND PRODUCE DOCUMENTS**

Defendant Henry B. Sargent ("Sargent") respectfully submits this motion, pursuant to Rule 37 of the Federal Rules of Civil Procedure, to compel defendant Patrick Giordano ("Giordano") to (i) respond to interrogatories relevant to the allegations and events underlying the claims in the case as well as to Sargent's defense and (ii) produce documents in response to document requests.

As set forth more fully in the accompanying memorandum of law and the Declaration of David E. Danovitch, the information sought in the interrogatories is discoverable and Giordano's refusal to answer on relevance grounds, or effective refusal to respond by serving only cursory answers, is without merit. Giordano's failure to produce documents in response to the document requests is equally without merit. The documents sought are relevant and discoverable, and Giordano's time to object to the document requests has long passed.

WHEREFORE, Henry Sargent respectfully requests the Court to enter an order: (i) compelling Giordano to respond to Interrogatory Nos. 1-2, 6-7, 11-14 and 16-18; (ii) compelling Giordano to respond to Document Request Nos. 1-7 either by producing responsive documents or by identifying responsive documents in the SEC's production by Bates number or range that he previously produced to the SEC and supplementing those documents with any other responsive documents in his possession or control that are not among the documents in the SEC's production and producing a record of documents being withheld as privileged as required by Local Rule 34.1(e); and (iii) granting such other and further relief as is just and appropriate.

Dated: New York, New York  
June 8, 2020

**SULLIVAN & WORCESTER LLP**

By: /s/ David E. Danovitch  
David E. Danovitch (BBO No. 550813)  
ddanovitch@sullivanlaw.com  
Peter R. Ginsberg (admitted *pro hac vice*)  
pginsberg@sullivanlaw.com

1633 Broadway, 32nd Floor  
New York, NY 10019  
Tel: 212-660-3000  
Fax: 212-660-3001

*Attorneys for Defendant Henry B. Sargent*

**Certification Pursuant to L.R. 7.1(a)(2)**

Counsel for Defendant Henry B. Sargent hereby certifies that we have conferred with defendant Patrick Giordano concerning his obligation to respond to the interrogatories in contention and produce documents responsive to the document requests in contention. Mr. Giordano does not agree.

/s/David E. Danovitch

David E. Danovitch (BBO #550813)

**Certification Pursuant to L.R. 37.1**

Counsel for Defendant Henry B. Sargent hereby certifies that, as set forth in more detail in the Memorandum of Law in support of this Motion, we have conferred with defendant Patrick Giordano in compliance with Local Rule 37.1.

/s/David E. Danovitch

David E. Danovitch (BBO #550813)

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants via first class mail on June 8, 2020.

/s/David E. Danovitch

David E. Danovitch (BBO #550813)